



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** December 8, 2015

**SUBJECT:** BZA #19137 – 1357 Taylor Street, NW

### **I. RECOMMENDATION**

With regard to this proposal to construct a deck, the Office of Planning (OP) recommends **approval** of the following variance relief:

- § 403 Lot Occupancy (60% maximum, 68.6% existing, 81.8% proposed);
- § 404 Rear Yard (20' required, 22.6' existing, 12.3' proposed);
- § 2001.3 Additions to Non-conforming Structures (Must not exceed lot occupancy, must not extend existing non-conformity, must not create new non-conformity; Exceeds lot occupancy, extends non-conforming lot occupancy, creates non-conforming rear yard).

### **II. LOCATION AND SITE DESCRIPTION**

Address	1357 Taylor Street, NW
Legal Description	Square 2822, Lot 28
Zoning	R-4, moderate density, rowhouses
Ward and ANC	4, 4C
Historic District	None
Lot Characteristics and Existing Development	The rowhouse lot has an angled rear property line that makes the west property line (70.5') significantly shorter than the east property line (81'), and makes the lot much smaller than the average rowhouse lot in the square. The property has alley access at the rear and is 20' wide at the street. The existing rowhouse is two and a half stories tall.
Adjacent Properties and Neighborhood Character	Mostly rowhouses with some apartment buildings nearby. A school is located to the north of the subject property across the alley.

### **III. PROJECT DESCRIPTION IN BRIEF**

The applicant proposes to build a deck at the rear of the property where evidence indicates a deck was previously located. No alterations to the main structure are proposed and the existing parking at the rear of the property would not be impacted. The deck would be approximately 10 feet deep and 20 feet wide.

#### IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The site is zoned R-4 (Single family or flat rowhouses). In order to develop as proposed, the application seeks zoning relief as noted in the table below.

Item	Requirement	Existing	Proposed	Relief
§ 400 Height	40', 3 stories	Not provided	No change	Assumed Conforming
§ 401 Lot Area	1,800 sf	1,515 sf	No change	Existing Non-Conforming
§ 401 Lot Width	18'	20'	No change	Conforming
§ 403 Lot Occupancy	60%	68.8% (1,040 sf)	81.8% (1,240 sf)	<b>Requested</b>
§ 404 Rear Yard	20'	22.6'	12.3'	<b>Requested</b>
§ 405 Side Yard	None required	None	No change	Conforming
§ 2001.3 Additions to Non-Conforming Structures	<ul style="list-style-type: none"> <li>- Must not exceed lot occupancy</li> <li>- Must not extend existing non-conformity</li> <li>- Must not create new non-conformity</li> </ul>	n/a	<ul style="list-style-type: none"> <li>- Exceeds lot occupancy</li> <li>- Extends non-conforming lot occupancy</li> <li>- Creates non-conforming rear yard</li> </ul>	<b>Requested</b>

#### V. ANALYSIS

In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103.

##### 1. Exceptional Situation Resulting in a Practical Difficulty

The subject property is exceptional in its small size, shallow depth, and in the angle of the alley at the rear of the property. At 1,515 square feet, this lot is the 9<sup>th</sup> smallest rowhouse lot in the square, where the average rowhouse lot is 2,154 square feet. If this lot were of average size, the proposed 1,240 square foot footprint would only result in a 57.6% lot occupancy, which would be a matter-of-right. The unusual angle of the alley, which makes the western property line shorter than the eastern, contributes to making the lot smaller than the lots to the east. Because of the small area and shallow depth, there is no way the property owner could construct a useable deck without significantly increasing lot occupancy or infringing on the required rear yard.



## **2. No Substantial Detriment to the Public Good**

The construction of the deck should not have a negative impact on the public good. The deck should not have an undue impact on light or air available to adjacent properties, especially since it would be on north side of the property and unlikely to add significant shadow, if any. The deck would not unduly impact privacy in an urban environment where some activity in the rear yard or on a rear deck is expected. Neighboring properties also have decks. The parking at the rear of the property would not be impacted as the deck would be designed to continue to accommodate a vehicle partially underneath it. It also appears that a deck was present at this location in the past; as seen in the photos submitted with the application, the main floor of the house has doors that would normally lead to a deck, and there is a hose bib at the same level.

## **3. No Substantial Harm to the Zoning Regulations**

The Zoning Regulations generally support the maintenance of open space on the lot through lot occupancy limits, but also support the continued use of homes for single family residences, and the creation of more useable outdoor space, as proposed by this application.

## **VI. COMMUNITY COMMENTS**

The ANC voted to support the application, and their report can be seen at Exhibit 22. The record also contains letters of support from both of the immediate neighbors as well as other residents on the street.